

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-1280-AIR-E TCEQ ID: RN100814342 CASE NO.: 34387
RESPONDENT NAME: Ya Razzak, Inc. dba Fast Trak

Page 1 of 2

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Fast Trak, 8209 North Loop Drive, El Paso, El Paso County</p> <p>TYPE OF OPERATION: Convenience store with retail sales of gasoline</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this facility location; Docket No. 2006-1371-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on December 10, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST:</p> <p style="margin-left: 20px;">TCEQ Attorney/SEP Coordinator: None</p> <p style="margin-left: 20px;">TCEQ Enforcement Coordinator: Mr. Bryan Elliott, Enforcement Division, Enforcement Team 4, MC 149 (512) 239-6162; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171</p> <p style="margin-left: 20px;">Respondent: Mr. Mohammed Panjwani, Vice President, Ya Razzak, Inc. dba Fast Trak, 8209 North Loop Drive, El Paso, Texas 79907</p> <p style="margin-left: 20px;">Mr. Saime K. Panjwawi, President, Ya Razzak, Inc. dba Fast Trak, 8209 North Loop Drive, El Paso, Texas 79907</p> <p style="margin-left: 20px;">Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: June 2, 2007</p> <p>Date of NOV/NOE Relating to this Case: July 26, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>Failure to comply with the maximum Reid Vapor Pressure ("RVP") requirement of 7.0 pounds per square inch absolute ("psia") during the control period of June 1 through September 16, as documented by an investigation conducted on June 2, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at Pump No. 4 was found to have an RVP of 7.96 psia [30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$1,200</p> <p>Total Deferred: \$240 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$960</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a) Within 30 days after the effective date of this Agreed Order, establish and implement a process which will ensure the RVP for gasoline dispensed between June 1st and September 16th of each year shall not exceed 7.0 psia at the Site; and</p> <p>b) Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a. The certification shall be notarized by a State of Texas Notary Public.</p>

Additional ID No(s): AIR EE1961R



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

TCEQ

DATES	Assigned	30-Jul-2007	Screening	8-Aug-2007	EPA Due	
	PCW	8-Aug-2007				

RESPONDENT/FACILITY INFORMATION

Respondent	Ya Razzak, Inc. dba Fast Trak		
Reg. Ent. Ref. No.	RN100814342		
Facility/Site Region	6-El Paso	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	34387	No. of Violations	1
Docket No.	2007-1280-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Bryan Elliott
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$	Limit Minimum	\$0	Maximum
		\$10,000	

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$1,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **Subtotals 2, 3, & 7** \$200

Notes: The penalty was enhanced due to one previous 1660 style order.

Culpability **Subtotal 4** \$0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply **Subtotal 5** \$0

Before NOV NOV to EDP RP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

Subtotal 6 \$0

Total EB Amounts \$4
Approx. Cost of Compliance \$100

0% Enhancement*
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$1,200

OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Adjustment \$0

Notes:

Final Penalty Amount \$1,200

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$1,200

DEFERRAL

20% Reduction

Adjustment -\$240

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$960

Screening Date 8-Aug-2007

Docket No. 2007-1280-AIR-E

PCW

Respondent Ya Razzak, Inc. dba Fast Trak

Policy Revision 2 (September 2002)

Case ID No. 34387

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN100814342

Media [Statute] Air

Enf. Coordinator Bryan Elliott

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 20%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The penalty was enhanced due to one previous 1660 style order.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 20%

Screening Date 8-Aug-2007		Docket No. 2007-1280-AIR-E		PCW						
Respondent Ya Razzak, Inc. dba Fast Trak		<small>Policy Revision 2 (September 2002)</small>								
Case ID No. 34387		<small>PCW Revision June 26, 2007</small>								
Reg. Ent. Reference No. RN100814342										
Media [Statute] Air										
Enf. Coordinator Bryan Elliott										
Violation Number		<div style="border: 1px solid black; padding: 2px;">1</div>								
Rule Cite(s)		<div style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code § 115.252(2) and Tex. Health & Safety Code § 382.085(b)</div>								
Violation Description		<div style="border: 1px solid black; padding: 2px;">Failed to comply with the maximum Reid Vapor Pressure ("RVP") requirement of 7.0 pounds per square inch absolute ("psia") during the control period of June 1 through September 16, as documented by an investigation conducted on June 2, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at Pump No. 4 was found to have an RVP of 7.96 psia.</div>								
Base Penalty					<div style="border: 1px solid black; padding: 2px;">\$10,000</div>					
>> Environmental, Property and Human Health Matrix										
OR	Harm									
	Major	Moderate	Minor							
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">Actual</td> <td style="width: 33%;"></td> <td style="width: 33%; text-align: center;">X</td> </tr> <tr> <td>Potential</td> <td></td> <td></td> </tr> </table>			Actual		X	Potential			Percent <div style="border: 1px solid black; padding: 2px;">10%</div>
Actual		X								
Potential										
>> Programmatic Matrix										
Falsification			Major	Moderate	Minor					
<div style="border: 1px solid black; height: 15px;"></div>			<div style="border: 1px solid black; height: 15px;"></div>	<div style="border: 1px solid black; height: 15px;"></div>	<div style="border: 1px solid black; height: 15px;"></div>	Percent <div style="border: 1px solid black; padding: 2px;">0%</div>				
Matrix Notes		<div style="border: 1px solid black; padding: 2px;">Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or the environment.</div>								
Adjustment					<div style="border: 1px solid black; padding: 2px;">\$9,000</div>					
					<div style="border: 1px solid black; padding: 2px;">\$1,000</div>					
Violation Events										
Number of Violation Events		<div style="border: 1px solid black; padding: 2px;">1</div>								
		<div style="border: 1px solid black; padding: 2px;">67</div>		Number of violation days						
<small>mark only one with an x</small>	daily	<div style="border: 1px solid black; height: 15px;"></div>								
	monthly	<div style="border: 1px solid black; height: 15px;"></div>								
	quarterly	<div style="border: 1px solid black; height: 15px;"></div>								
	semiannual	<div style="border: 1px solid black; height: 15px;"></div>								
	annual	<div style="border: 1px solid black; height: 15px;"></div>								
	single event	<div style="border: 1px solid black; padding: 2px; text-align: center;">X</div>								
<div style="border: 1px solid black; padding: 2px; text-align: center;">One single event is recommended.</div>										
Economic Benefit (EB) for this violation										
Estimated EB Amount		<div style="border: 1px solid black; padding: 2px;">\$4</div>								
Statutory Limit Test					<div style="border: 1px solid black; padding: 2px;">\$1,200</div>					
This violation Final Assessed Penalty (adjusted for limits)					<div style="border: 1px solid black; padding: 2px;">\$1,200</div>					

Economic Benefit Worksheet

Respondent Ya Razzak, Inc. dba Fast Trak
Case ID No. 34387
Reg. Ent. Reference No. RN100814342
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$100	2-Jun-2007	20-Apr-2008	0.9	\$4	n/a	\$4
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of implementing procedures designed to ensure the required RVP is maintained. Date required is the date of the investigation. Final date is the date of prospective compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$4

Compliance History

Customer/Respondent/Owner-Operator: CN603067356 Ya Razzak, Inc. Classification: AVERAGE Rating: 3.75
Regulated Entity: RN100814342 Fast Trak Classification: AVERAGE Site Rating: 3.75
ID Number(s): AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1961R
PETROLEUM STORAGE TANK REGISTRATION 39616
Location: 8209 N LOOP DR, EL PASO, TX, 79907 Rating Date: 9/1/2006 Repeat Violator: NO
TCEQ Region: REGION 06 - EL PASO
Date Compliance History Prepared: August 08, 2007
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: August 08, 2002 to August 08, 2007
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Bryan Elliott Phone: 239-6162

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner? Ya Razzak, Inc.
4. If Yes, who was/were the prior owner(s)? Serrano Enterprises, Inc.
FFP Operating Partners,
5. When did the change(s) in ownership occur?
12/22/2004
07/27/2006

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
Effective Date: 09/30/2005 ADMINORDER 2005-0175-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 114, SubChapter D 114.100(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to comply with the minimum 2.7% by weight oxygenated fuel requirement.
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- | | | |
|----|------------|----------|
| 1 | 08/15/2002 | (7959) |
| 2 | 11/07/2002 | (8690) |
| 3 | 12/16/2002 | (18593) |
| 4 | 08/27/2003 | (150656) |
| 5 | 08/27/2003 | (150753) |
| 6 | 09/30/2003 | (144091) |
| 7 | 05/28/2004 | (268506) |
| 8 | 07/26/2004 | (278416) |
| 9 | 12/06/2004 | (341451) |
| 10 | 03/21/2006 | (458046) |
| 11 | 07/27/2006 | (487296) |
| 12 | 11/14/2006 | (519125) |
| 13 | 07/25/2007 | (564528) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
N/A
- F. Environmental audits.
N/A
- G. Type of environmental management systems (EMSs).

N/A
- H. Voluntary on-site compliance assessment dates.
N/A
- I. Participation in a voluntary pollution reduction program.
N/A
- J. Early compliance.
N/A
- Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
YA RAZZAK, INC. DBA FAST TRAK
RN100814342**

§ **BEFORE THE**
§
§ **TEXAS COMMISSION ON**
§
§ **ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1280-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Ya Razzak, Inc. dba Fast Trak ("Ya Razzak") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Ya Razzak appear before the Commission and together stipulate that:

1. Ya Razzak owns and operates a convenience store with retail sales of gasoline at 8209 North Loop Drive in El Paso, El Paso County, Texas (the "Site").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Ya Razzak agree that the Commission has jurisdiction to enter this Agreed Order, and that Ya Razzak is subject to the Commission's jurisdiction.
4. Ya Razzak received notice of the violations alleged in Section II ("Allegations") on or about July 31, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Ya Razzak of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of One Thousand Two Hundred Dollars (\$1,200) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Ya Razzak has paid Nine Hundred Sixty Dollars (\$960) of the administrative penalty and Two

Hundred Forty Dollars (\$240) is deferred contingent upon Ya Razzak's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Ya Razzak fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Ya Razzak to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Ya Razzak have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Ya Razzak has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Site, Ya Razzak is alleged to have failed to comply with the maximum Reid Vapor Pressure ("RVP") requirement of 7.0 pounds per square inch absolute ("psia") during the control period of June 1 through September 16, in violation of 30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented by an investigation conducted on June 2, 2007. Specifically, a sample taken from the premium grade unleaded gasoline at Pump No. 4 was found to have an RVP of 7.96 psia.

III. DENIALS

Ya Razzak generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Ya Razzak pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Ya Razzak's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Ya Razzak, Inc. dba Fast Trak, Docket No. 2007-1280-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that Ya Razzak shall undertake the following technical requirements:
- a. Within 30 days after the effective date of this Agreed Order, establish and implement a process which will ensure the RVP for gasoline dispensed between June 1st and September 16th of each year shall not exceed 7.0 psia at the Site; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section Manager
El Paso Regional Office
Texas Commission on Environmental Quality
401 East Franklin Avenue, Suite 560
El Paso, Texas 79901-1206

3. The provisions of this Agreed Order shall apply to and be binding upon Ya Razzak. Ya Razzak is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Site operations referenced in this Agreed Order.
4. If Ya Razzak fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Ya Razzak's failure to comply is not a violation of this Agreed Order. Ya Razzak

shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Ya Razzak shall notify the Executive Director within seven days after Ya Razzak becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Ya Razzak shall be made in writing to the Executive Director. Extensions are not effective until Ya Razzak receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Ya Razzak in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Ya Razzak, or three days after the date on which the Commission mails notice of the Order to Ya Razzak, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Szeller
For the Executive Director

12/7/07
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

x *S. Panwani*
Signature

10.03.07
Date

x *Saima K. Panwani*
Name (Printed or typed)
Authorized Representative of
Ya Razzak, Inc. dba Fast Trak

President
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

